

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the reasons that follow.

Status of Claims:

No claims are currently being added, canceled or amended.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

Claims 1-3 remain pending in this application for examination on the merits.

Interview with Examiner:

Applicant's representative appreciates the courtesies extended to him by Examiner Zhang during a telephone interview conducted on March 3, 2009. During that interview, claim 1 of this application and the prior art reference JP 2001-320120 were discussed.

Claim Rejections – Prior Art:

In the final Office Action, claims 1 and 3 were rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese Laid-Open Patent Application JP 2001-320120 to Nidou et al.; and claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Nidou et al. in view of U.S. Patent No. 6,266,354 to Chino et al. These rejections are respectfully traversed for the reasons given below.

Presently pending independent claim 1 recites, among other things:

wherein the laminated layers are trapezoid-shaped layers in cross-section that are stacked on top of one another such that each one of the laminated layers is positioned entirely above an adjacently-positioned lower one of the laminated layers and said each one of the laminated layers is positioned entirely below an adjacently-positioned upper one of the laminated layers.

See, for example, the disposition of layers 502, 503, 504, 505, 507 and 507 as shown in Figure 1 of the drawings. Such a disposition of laminated layers does not exist in the

structure of Nidou et al., whereby its' layers have top portions and lower leg portions that do not meet the specific requirements set forth above in claim 1, since a lower part of the leg portions of layer 69 in Figure 6 of Nidou et al. is provided below a top portion of a layer 68 that is provided below the layer 69.

In the Response to Arguments section of the final Office Action, it asserts that Figures 6 and 8 of Nidou show trapezoid-shaped laminated layers which are stacked on top of one another such that each one of the laminated layers is positioned entirely above an adjacently-positioned lower one of the laminated layers and that each one of the laminated layers is positioned entirely below an adjacently-positioned upper one of the laminated layers. Applicants respectfully disagree with this assertion made in the final Office Action.

Namely, the "left and right legs" of the laminated layer 70 are positioned below the middle portion of the laminated layer 69 that is directly beneath it, and thus it does not meet the specific features of claim 1 in which **it must be positioned entirely above an adjacent lower layer and it must be positioned entirely below an adjacent upper layer.**

Accordingly, presently pending independent claim 1 is not anticipated by Nidou et al., whereby Chino et al. (cited against dependent claim 2) does not rectify the above-mentioned deficiencies of Nidou et al.

Conclusion:

Since all of the issues raised in the final Office Action have been addressed in this Reply, Applicant believes that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date March 5, 2009

By Phillip J. Articola

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 945-6014
Facsimile: (202) 672-5399

George C. Beck
Registration No. 38,072

Phillip J. Articola
Registration No. 38,819